



Companies and Intellectual
Property Commission

a member of **the dtic** group

NOTICE 35 of 2026

GUIDANCE ON THE OPERATION OF SECTIONS 30A AND 30B OF THE COMPANIES ACT, 71 OF 2008 (AS AMENDED)

One of the objectives of the Commission is the promotion of compliance with the Companies Act, 71 of 2008 ("the Act") through education and awareness campaigns related to company and intellectual property laws, and related matters.

Proclamation Notice 313 of 2026: Commencement of certain sections of the Companies Amendment Act, 2024 (Act 16 of 2024), confirmed the commencement of sections 5, 6 and 19 of the Companies Amendment Act, 2024 on 22 May 2026.

Legislation in South Africa becomes effective on the exact date that it is published in the Government Gazette or on a specific future date determined and announced via a separate proclamation in the Gazette.

The proclamation indicates that the specific sections of the Act are effective from the date of publication in the Government Gazette – 22 May 2026 – with no provision for transitional arrangements. As a result, the provisions of sections 30A and 30B of the Amendment Act, were brought into operation, requiring, among others, that all public companies and state owned companies must prepare and present for approval a remuneration policy as contemplated in the section.

Sections 30A(2)(a) reads as follows —

"(2) the remuneration policy —

(a) must be presented to and approved by the annual general meeting by an ordinary resolution, and if not approved, must be presented at the next annual general meeting or at a shareholders meeting called for such purpose."

As a general principle legislation operates prospectively and it could thus not have been the legislature's intention to bring into the new regulatory framework AGMs which had already been convened before the coming into operation of the applicable section.

The effect of the proclamation bringing into operation the abovementioned sections is —

1. An AGM that takes place after 22 May 2026, but which was convened pursuant to a valid notice given before 22 May 2026, would not be regulated by the new sections 30A and 30B;

and

2. All other AGMs which take place after 22 May 2026 (no valid notice given at date of proclamation) will be regulated by the new sections 30A and 30B of the Amendment Act, 2024.

Section 30B(2) reads as follows –

“(2) Each year all public companies and state-owned companies must prepare a remuneration report in respect of the previous financial year for presentation and approval at the annual general meeting.”

It follows that the requirements of section 30B will become applicable and operational in line with the workings of section 30A, as highlighted.

Yours Sincerely



Adv. Rory Voller

CIPC COMMISSIONER

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